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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2697

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/742,378

Applicant(s)

MARTIN, DANNIE E.

Examiner

Md S Elahee

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 11, 19 and 26 are objected to because of the following informalities:  
the phrase "voice chart" appears to be "voice chat". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5, 8, 26, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Trovato et al. (U.S. Patent No. 6,425,012).

Regarding claim 1, Trovato teaches receiving a call from a user (fig.2; col.6, lines 64-67, col.7, lines 8-12; 'user' reads on the claim 'caller').

Trovato further teaches verifying whether the user is a subscriber of the service (fig.3; col.7, lines 1-12; 'user' reads on the claim 'caller').

Trovato further teaches routing the user to a chat room if the user is a subscriber (fig.3, fig.4; col.7, lines 1-26; 'user' reads on the claim 'caller').

Regarding claim 4, Trovato teaches offering the user with two or more chat rooms to choose from (fig.4; col.7, lines 53-56; 'user' reads on the claim 'caller').

Regarding claim 5, Trovato teaches routing the user to a chat room selected by the user (fig.4; col.7, lines 53-56; 'user' reads on the claim 'caller').

Regarding claim 8, Trovato teaches retrieving user profile associated with the user (fig.4; col.7, lines 21-26; 'user profile' reads on the claim 'information' and 'user' reads on the claim 'caller').

Regarding claim 26, Trovato teaches a plurality of chat rooms (col.7, lines 53-56).

Trovato further teaches verifying whether the user is a subscriber (fig.3; col.7, lines 1-12; 'user' reads on the claim 'caller').

Trovato further teaches routing the user to one of the plurality of chat rooms (fig.3, fig.4; col.7, lines 1-26; 'user' reads on the claim 'caller').

Regarding claim 31, Trovato teaches moderating conversation in one or more of the plurality of chat rooms (col.7, lines 8-56; 'users' reads on the claim 'chatters').

Regarding claim 32, Trovato teaches adding a user from a recent chat room to a new chat room among the plurality of chat rooms (col.7, lines 44-56; 'adding' reads on the claim 'transferring', 'user' reads on the claim 'chatter' and 'recent chat room to a new chat room' reads on the claim 'first chat room to a second chat room').

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2, 3, 6, 7, 10, 11, 13, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent No. 6,425,012) and in view of Harvey et al. (U.S. Patent No. 2002/0059379).

Regarding claim 2, Trovato fails to teach “inviting the caller to be a subscriber if the caller is not a subscriber”. Harvey teaches inviting the user to be a member if the user is not a member (page 6, paragraph 0059; ‘user’ reads on the claim ‘caller’ and ‘member’ reads on the claim ‘subscriber’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow inviting the caller to be a subscriber if the caller is not a subscriber as taught by Harvey. The motivation for the modification is to have doing so in order to provide a chat session.

Regarding claim 3, Trovato fails to teach “supplying the caller with a trial membership”. Harvey teaches supplying the user with a trial membership (page 6, paragraph 0059; ‘user’ reads on the claim ‘caller’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow supplying the caller with a trial membership as taught by Harvey. The motivation for the modification is to have doing so in order to provide a chat session.

Regarding claim 6, Trovato fails to teach “providing the caller with a user ID number”. Harvey teaches providing the user with a user ID number (page 7, paragraph 0063; ‘user’ reads on the claim ‘caller’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow providing the caller with a user ID number as taught by Harvey. The motivation for the modification is to have doing so in order to provide an identification to participate in the chat session.

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Regarding claim 7, Trovato teaches routing the user to a chat room when the user ID number is received from the user (fig.3, fig.4; col.7, lines 1-26; 'user' reads on the claim 'caller' and 'chat room' reads on the claim 'private chat room').

Regarding claims 10 and 13, Trovato fails to teach "the chat room is moderated". Harvey teaches that the chat room is moderated (page 6, paragraphs 0057, 0059). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow the chat room be moderated as taught by Harvey. The motivation for the modification is to have doing so in order to add or remove the number of participants in the chat session.

Regarding claim 11, Trovato teaches receiving a call from a user (fig.2; col.6, lines 64-67, col.7, lines 8-12; 'user' reads on the claim 'caller').

Trovato teaches retrieving user profile associated with the user (fig.4; col.7, lines 21-26; 'user profile' reads on the claim 'information' and 'user' reads on the claim 'caller').

Trovato further teaches verifying whether the user is a subscriber of the service (fig.3; col.7, lines 1-12; 'user' reads on the claim 'caller').

Trovato fails to teach "inviting the caller to be a subscriber if the caller is not a subscriber". Harvey teaches inviting the user to be a member if the user is not a member (page 6, paragraph 0059; 'user' reads on the claim 'caller' and 'member' reads on the claim 'subscriber'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow inviting the caller to be a subscriber if the caller is not a subscriber as taught by Harvey. The motivation for the modification is to have doing so in order to provide a chat session.

Trovato further teaches supplying the user with a menu comprising two or more chat rooms (fig.4; col.7, lines 53-56; 'user' reads on the claim 'caller').

Trovato further teaches routing the user to a chat room selected by the user (fig.4; col.7, lines 1-26, 53-56; 'user' reads on the claim 'caller').

Regarding claim 14, Trovato fails to teach "moderating the one or more chat rooms using rules associated with the voice chat room service". Harvey teaches that moderating the one or more chat rooms using rules associated with the voice chat room service (page 6, paragraphs 0057, 0059). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow moderating the one or more chat rooms using rules associated with the voice chat room service as taught by Harvey. The motivation for the modification is to have doing so in order to add or remove the number of participants in the chat session.

Regarding claim 18, Trovato teaches prompting the user for an identification (col.4, lines 28-33, col.7, lines 8-12; 'user' reads on the claim 'caller' and 'identification' reads on the claim 'password').

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent No. 6,425,012) and in view of Bouvier et al. (U.S. Patent No. 6,430,276).

Regarding claim 9, Trovato fails to teach "the information can be retrieved from one or more of a home location register, a visitor location register, and a service control point". Bouvier teaches the information can be retrieved from a service control point (col.6, lines 11-13). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow the information to be retrieved from one or more of a home location register, a visitor location register, and a

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service control point as taught by Bouvier. The motivation for the modification is to have doing so in order to provide the information of the called party.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent No. 6,425,012) and in view of Harvey et al. (U.S. Patent No. 2002/0059379) and further in view of Bouvier et al. (U.S. Patent No. 6,430,276).

Regarding claim 12, Trovato in view of Harvey fails to teach “the information can be retrieved from one or more of a home location register, a visitor location register, and a service control point”. Bouvier teaches the information can be retrieved from a service control point (col.6, lines 11-13). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato in view of Harvey to allow the information to be retrieved from one or more of a home location register, a visitor location register, and a service control point as taught by Bouvier. The motivation for the modification is to have doing so in order to provide the information of the called party.

8. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent No. 6,425,012) and in view of Harvey et al. (U.S. Patent No. 2002/0059379) and further in view of Dowens et al. (U.S. Patent No. 6,389,114).

Regarding claim 15, Trovato in view of Harvey fails to teach “charging the caller for the voice chat room service”. Dowens teaches charging the caller for the voice chat room service (abstract; col.9, lines 47-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato in view of Harvey to allow charging the caller for the voice chat room service as taught by Dowens.



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The motivation for the modification is to have doing so in order to provide the information of the cost of the chat session.

Regarding claim 16, Trovato in view of Harvey fails to teach “the charging step is based on time spent by the caller in the one or more chat rooms”. Dowens teaches that the charging step is based on time spent by the caller in the one or more chat rooms (abstract; col.9, lines 40-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato in view of Harvey to allow the charging step being based on time spent by the caller in the one or more chat rooms as taught by Dowens. The motivation for the modification is to have doing so in order to provide the cost of duration of the chat session.

Regarding claim 17, Trovato in view of Harvey fails to teach “collecting a fixed fee from the caller regardless of time spent by the caller in the one or more chat rooms”. Dowens teaches collecting a fixed fee from the caller regardless of time spent by the caller in the one or more chat rooms (abstract; col.9, lines 40-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato in view of Harvey to allow collecting a fixed fee from the caller regardless of time spent by the caller in the one or more chat rooms as taught by Dowens. The motivation for the modification is to have doing so in order to provide the information of the cost of the chat session.

9. Claims 19, 21-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent No. 6,425,012) and in view of Morris et al. (U.S. Patent No. 6,339,784).

Regarding claim 19, Trovato teaches facilitating a conversation in a chat room comprising a plurality of users (col.7, lines 8-56; 'users' reads on the claim 'chatters').

However, Trovato fails to teach "public chat room". Morris teaches public chat room (col.4, lines 38-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow the public chat room as taught by Morris. The motivation for the modification is to have doing so in order to provide the access to chat session to all the visitors.

Trovato further teaches leading at least two users of the plurality of users to a chat room when user identifications associated with the at least two users are received (col.7, lines 1-56; 'users' reads on the claim 'chatters' and 'identifications' reads on the claim 'ID numbers').

However, Trovato fails to teach "private chat room". Morris teaches private chat room (col.4, lines 38-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow the private chat room as taught by Morris. The motivation for the modification is to have doing so in order to provide the access to chat session to all the specific participants.

Trovato further teaches that the user identifications can be received from one or more of the at least two users (col.7, lines 1-26; 'identifications' reads on the claim 'ID numbers' and 'users' reads on the claim 'chatters').

Regarding claim 21, Trovato teaches retrieving one or more of the user identifications if the at least two users do not remember the one or more of the user identifications (col.7, lines 1-26; 'identifications' reads on the claim 'ID numbers' and 'users' reads on the claim 'chatters').

Regarding claim 22, Trovato teaches that each of the at least two users must provide his or her own user identifications to enter the chat room (col.7, lines 1-26; 'users' reads on the claim 'chatters' and 'identifications' reads on the claim 'ID numbers').

Regarding claim 23, Trovato teaches that one or more of the user identifications are permanent identifications (col.7, lines 1-26; 'identifications' reads on the claim 'ID numbers').

Regarding claim 24, Trovato teaches that one or more of the user identifications are temporary identifications (col.7, lines 21-27; 'identifications' reads on the claim 'ID numbers').

Regarding claim 25, Trovato teaches that in one or more of the user identifications can be used only once (col.7, lines 1-26; 'identifications' reads on the claim 'ID numbers').

Regarding claim 28, Trovato fails to teach "public chat rooms". Morris teaches public chat rooms (col.4, lines 38-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow the public chat rooms as taught by Morris. The motivation for the modification is to have doing so in order to provide the access to chat session to all the visitors.

Regarding claim 29, Trovato fails to teach "private chat rooms". Morris teaches private chat rooms (col.4, lines 38-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow the private chat rooms as taught by Morris. The motivation for the modification is to have doing so in order to provide the access to chat session to all the specific participants.

Regarding claim 30, Trovato teaches leading at least two users to a chat room (col.7, lines 1-56; 'users' reads on the claim 'chatters' and 'identifications' reads on the claim 'ID numbers').

However, Trovato fails to teach "private chat room". Morris teaches private chat room (col.4, lines 38-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato to allow the private chat room as taught by Morris. The motivation for the modification is to have doing so in order to provide the access to chat session to all the specific participants.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent No. 6,425,012) and in view of Morris et al. (U.S. Patent No. 6,339,784) and further in view of Dowens et al. (U.S. Patent No. 6,389,114).

Regarding claim 20, Trovato in view of Morris fails to teach "charging one or more of the at least two chatters with additional fees for the private chat room". Dowens teaches charging one or more subscribers for the private chat room (abstract; col.9, lines 47-53; 'charging one or more subscribers' reads on the claim 'charging one or more of the at least two chatters with additional fees'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato in view of Morris to allow charging one or more of the at least two chatters with additional fees for the private chat room as taught by Dowens. The motivation for the modification is to have the display in order to provide the information of the cost of the chat session.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent No. 6,425,012) and in view of Dowens et al. (U.S. Patent No. 6,389,114).

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Regarding claim 27, Trovato in view of Harvey fails to teach "each of the plurality of chat rooms is associated with a conference bridge circuit". Dowens teaches that each of the plurality of chat rooms is associated with a conference bridge circuit (abstract; fig.5; col.9, lines 47-53, col.11, lines 49-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trovato in view of Harvey to allow each of the plurality of chat rooms to be associated with a conference bridge circuit as taught by Dowens. The motivation for the modification is to have doing so in order to provide the conference capability.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M. E.

MD SHAFIUL ALAM ELAHEE  
August 22, 2003

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